



MINUTES

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
REGULAR MEETING
10:30 a.m., Thursday, February 16, 2012
Human Resources Verde Conference Room
7575 E. Main Street
Scottsdale, Arizona 85251**

PRESENT: Jack Cross, Chairman/Mayoral Designee
Jeffrey Burg, Citizen Member
James Butera, Elected Member
Velicia McMillan, Citizen Member/Merit Head
Jeffrey Walther, Elected Member

STAFF: Colleen Barraza
Ken Nemec
Chanda Washington

OTHERS: Mike Anthony, Esq.
Hannah Auckland, Esq.
Luis Santaella, Assistant Senior City Attorney

Call to order

Chairman Cross called the meeting to order at 10:56 a.m. He stated that the first order of business was the acknowledgement that all Board members were present.

Roll call

A formal roll call confirmed the members present as stated above.

- 1. Joint Ethics Training Session for members of the City of Scottsdale Fire and Police PSPRS Local Boards. The City Attorney's Office will provide a joint training session to the PSPRS Fire and Police Local Boards and will be available to answer questions or facilitate any possible discussion related to the Ethics Code.**

Mr. Santaella announced that he was the Assistant Senior City Attorney assigned to present both the Fire and Police Local Boards with the initial ethics training for Board and Commission members. He explained that as members of the Public Safety Retirement Board the Board members are appointed public officers under State law, noting that the ethics training to be presented today was geared towards the Commission training that other City Commissioners receive on an annual basis. Mr. Santaella pointed out the most applicable elements of today's ethics training include the open meeting law and conflicts of interest.

(Joint Ethics Training presentation occurred from 11:00 a.m. to 11:13 a.m.)

Mr. Anthony reminded the Boards that when considering the references to "having any interest in matters coming before the Board," these Boards are designed by statute to have at least two citizen members elected to represent the employees' viewpoints.

He explained that the term "quorum" normally relates to the majority of a body that meets being allowed to make decisions.

Mr. Anthony explained that the statute for the Fire and Police Local Boards specifies that the decisions made by the Boards must be made by the majority of the Board members, which was three members. He stated that the Boards could not make a decision if they do not have a concurrence of at least three members.

Mr. Anthony recalled that there was one Superior Court judge who had to decide whether or not quorum rules applied to a Local Board, and he decided that they do. However, this case was never taken to the Court of Appeals and none of the lawyers within this area of expertise agree with this decision.

Mr. Anthony recalled that in the past before the Local Boards were structured there were unfavorable activities done on behalf of the employees or employers which later motivated the drafting of statewide rules and procedures in addition to the forming of the Local Boards.

Discussion ensued regarding most Boards and Commissions elected by the City having a primary mandate of making recommendations to City Council.

Mr. Nemec agreed to inform the City Attorney's Office about the various elements of the ethics training that do not apply to the Fire and Police Local Boards.

2. Review and approval of meeting minutes—January 19, 2012.

BOARD MEMBER WALTHER MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE JANUARY 19, 2012 PSPRS POLICE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER BURG SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

3. Review and approval of meeting minutes—January 25, 2012.

BOARD MEMBER BUTERA MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE JANUARY 25, 2012 PSPRS POLICE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

4. Review and approval of executive session meeting minutes—January 25, 2012.

BOARD MEMBER BUTERA MOVED TO APPROVE THE EXECUTIVE SESSION MEETING MINUTES OF THE JANUARY 25, 2012 PSPRS POLICE LOCAL BOARD MEETING AS PRESENTED. BOARD MEMBER MCMILLAN SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

5. Discussion of changes to City Ordinance 3963 that establish meeting attendance requirements for the Board members.

Chairman Cross recalled the comments made by Mr. Anthony during the Fire Local Board's meeting earlier today, regarding the changes to City Ordinance 3963 that do not apply to the Fire and Police Local Boards.

Mr. Nemec agreed to review the portions of City Ordinance 3963 that do not apply to the Local Boards with the City Attorney's Office in order to obtain clarification regarding any conflicts with the State statutes.

6. Report to the Board on recently completed transfers to prior service credits.

Ms. Washington reported that John Dietel transferred \$2,730.75 from Public Safety to the Arizona State Retirement System for 1.03 years of service.

She agreed to retain one list of current completed transfers as well as a running total for all the other transfers of prior service credits.

CLOSED PUBLIC HEARING

7. Motion to recess into executive session.

Chairman Cross deemed it unnecessary to recess into Executive Session.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

8. Board suggestions for upcoming agenda items

Chairman Cross confirmed that there were no suggestions for upcoming agenda items.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:27 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee